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ONE HUNDRED EIGHTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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February 13, 2004

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DAN R. BROUILLETTE, STAFF DIRECTOR

The Honorable George W. Bush
President of the United States
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

Recent press reports have called into question the accuracy of a statement you made in your 2002 State of the Union Address to the Nation regarding the potential Al Qaeda threat to U.S. nuclear power plants (*see* Robert Block and Greg Hitt, "White House Backs Away from Bush '02 Nuclear-Terror Warning," the *Wall Street Journal*, February 10, 2004, A4; Matthew L. Wald, "Nuclear Official Says Bush Erred on Details of Threat to Nuclear Reactors," the *New York Times*, February 10, 2004, A16; Ross Kerber, "Nuclear groups question terrorist threat: Contend NRC official, Bush's address offer divergent appraisals," the *Boston Globe*, February 10, 2004, A3).

As you will recall, during your State of the Union Address on January 29, 2002, you stated that:

"Our discoveries in Afghanistan confirmed our worst fears, and showed us the true scope of the task ahead. We have seen the depth of our enemies' hatred in videos, where they laugh about the loss of innocent life. And the depth of their hatred is equaled by the madness of the destruction they design. ***We have found diagrams of American nuclear power plants*** and public water facilities, detailed instructions for making chemical weapons, surveillance maps of American cities, and thorough descriptions of landmarks in America and throughout the world." (emphasis added)

These articles indicate that no nuclear plant diagrams were actually found in Afghanistan and quote senior administration officials as stating that "there's no additional basis for the language in the speech that we have found."

This belated correction of the record is disturbing because it appears to have occurred only because Commissioner Edward McGaffigan of the Nuclear Regulatory Commission (NRC) was able to obtain security classification clearance for the following statement in a February 4, 2004, letter to the environmental group Greenpeace:

“As to your question, I did at one or more closed Congressional hearings state that I was aware of no evidence that ‘diagrams of American nuclear power plants’ had been found in Afghanistan. I believe that those conversations occurred in 2002.”

Your Administration’s sudden disavowal of the claims made in your 2002 State of the Union Address raises two questions: (1) How long has the White House known that this statement was inaccurate; and (2) Why did the Administration fail to correct the public record two years ago when this “error” became evident and was being corrected in closed-door Congressional hearings instead of waiting until Commissioner McGaffigan’s statement was reported in the press? Over the last two years, Representative Markey, along with many other Members of Congress, has relied on and cited this particular statement from your State of the Union Address as evidence of the seriousness of the Al Qaeda threat to our Nation’s commercial nuclear facilities.

While Commissioner McGaffigan appears to have had reason to question the basis of your assertion in the State of the Union Address, the public and Congress would not normally question the credibility of remarks presented to the world by their president in such a high-profile setting and presumably vetted by the Central Intelligence Agency (CIA) and the rest of the intelligence community.

Additionally, the acknowledgment of this inaccuracy in your 2002 State of the Union Address comes on top of the revelations last summer that the claim you made in your 2003 State of the Union Address regarding Iraqi attempts to obtain uranium from Niger was unfounded, and your subsequent admission that much of the prewar intelligence about Iraqi weapons of mass destruction has proven to be flawed or inaccurate. This most recent revelation increases our concerns about the decisions made by you and your staff about what information to give to the American public.

While we share your concern about the potential terrorist threat to U.S. nuclear facilities and have sponsored legislation aimed at better securing such facilities, we also think that it is essential that Congress and the American public receive accurate information about the nature of this threat, and that any inaccurate information be corrected as soon as possible. Accordingly, we respectfully request your assistance and cooperation in responding to the following questions:

How did the statement that “we have found diagrams of nuclear power plants” in Afghanistan get into your 2002 State of the Union Address? Who claimed to have taken possession of these diagrams in Afghanistan?

2. Was this statement accurate or inaccurate?
3. Who put the statement into the speech and who reviewed and approved of its inclusion?
4. Was the inclusion of this statement reviewed and approved by the CIA, the National Security Council (NSC), the Department of State, the Department of Defense, or any other intelligence agency? If so, on the basis of what information was it approved? If not, why not?
5. When did the White House first receive information questioning the accuracy of this statement?
6. Why didn't the White House issue a correction as soon as it discovered that the statement was inaccurate?
7. What was the process used to verify the other claims made in your 2002 State of the Union Speech regarding alleged discoveries in Afghanistan (i.e., that the U.S. found diagrams of "public water facilities, detailed instructions for making chemical weapons, surveillance maps of American cities, and thorough descriptions of landmarks in America and throughout the world")? Who claimed to have taken possession of these documents in Afghanistan?
8. Recent press reports quote Sean McCormick, a spokesman for the White House NSC, as stating that, rather than being based on actual diagrams that were actually found in Afghanistan, your warning about nuclear power plants resulted from information gathered by the intelligence community, including information received from a suspected bin Laden associate in 2001 and 2002 that potential nuclear targets included nuclear power facilities; FBI reports of a series of suspicious incidents that included surveillance of U.S. nuclear power plants; indications that Al Qaeda members might be downloading data from U.S.-based Internet sites that included information about nuclear facilities; and that an Al Qaeda operative captured in Pakistan had been found with a photograph of a nuclear reactor in North Carolina. Are these statements accurate? If so, why didn't you cite them in your speech, rather than talking about diagrams found in Afghanistan which apparently did not exist?
9. Does the White House, as a matter of policy, share all information related to a potential terrorist threat directed toward U.S. nuclear reactors with both the Department of Homeland Security and the NRC?

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We -- along with the American public -- look forward to a clarification of this very important matter which has implications for most of the communities of this country. Should your staff need any clarification of this request, please contact Jeff Duncan of Rep. Markey's office at (202) 225-2836 or Edith Holleman, minority counsel, at (202) 226-3400.

Thank you for your assistance and cooperation in this matter.

Sincerely,



JOHN D. DINGELL
RANKING MEMBER



EDWARD J. MARKEY
MEMBER